

Appl. No. : 09/495,751  
Filed : February 1, 2000

### **REMARKS**

The May 5, 2006 Final Office Action was based on pending Claims 21, 23–25 and 27–33. By this Response, Applicant is amending Claims 21, 23, 30 and 31. Claims 24, 25, 27–29, 32 and 33 remain as previously presented. New Claims 34–42 have been added.

Thus, after entry of the foregoing amendments, Claims 21, 23–25 and 27–42 are pending and presented for further consideration. In view of the foregoing amendments and the remarks set forth below, Applicant respectfully submits that Claims 21, 23–25 and 27–42 are in condition for allowance.

### **SUMMARY OF REJECTIONS**

The May 5, 2006 Final Office Action rejected Claims 21, 23–25 and 27–33 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,654,825 to Clapp et al. (“Clapp”) in view of U.S. Patent No. 5,933,104 to Kimura (“Kimura”).

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)**

Claims 21, 23–25 and 27–33 were rejected as being unpatentable over Clapp in view of Kimura. For at least the reasons set forth below, Applicant respectfully disagrees and requests reconsideration of the aforementioned claims.

#### **Independent Claim 21**

Focusing on independent Claim 21, in one embodiment of Applicant's invention a method is disclosed for copying data from a source to a destination using a data pipe. The method includes, among other things: (i) copying a first portion of the data through the data pipe in a first chunk in a first format based on an identified first characteristic of the data, and (ii) generating a first header describing the contents of the first chunk, the first header including information relating to a first storage operation to be performed on the first chunk.

The method further includes: (i) copying a second portion of the data through the data pipe in a second chunk in a second format based on an identified second characteristic of the data, the second format being distinct from the first format, and (ii) generating a second header describing the contents of the second chunk, the second

header including information relating to a second storage operation to be performed on the second chunk.

Neither Clapp, nor Kimura, nor a combination thereof, teaches or suggests the method of Claim 1. For example, none of the references teach or suggest: (i) copying a piece of data in multiple chunks through a data pipe, each chunk being copied in a different format based on characteristics of the data; and (ii) generating a header for each chunk that describes the content of the chunk and includes information regarding a storage operation to be performed on the specific chunk.

### **Clapp**

Clapp is directed to a peripheral video conferencing system that interfaces with a communication channel and a separate host computer system. With reference to Figure 3, Clapp teaches an audio/visual communication system (70) that receives audio and video signals over a communication channel or data pipe (82) and that further communicates with a host computer (72) through an interface (140), such as a SCSI or PCMCIA interface (see, e.g., col. 7, lines 52–67; col. 9, line 65 – col. 10, line 1). In certain embodiments, the audio/visual communication system (70) transmits video frames to be shown on a display (74) of the host computer (72) and/or receives read and write request instructions from the host computer (72) (see, e.g., col. 13, lines 29–43).

The Clapp system does not copy a piece of data in multiple chunks through a data pipe, each chunk being copied in a different format based on characteristics of the data. Rather, the portion of Clapp cited by the Final Office Action (i.e., col. 14, lines 24–46) refers to instructions being sent between the host computer (72) and the audio/visual communication system (70). None of the instructions are copied into multiple chunks through a data pipe, each chunk being copied in a different format based on a characteristic of the instruction. Furthermore, although the Final Office Action cites column 9, line 65, through column 10, line 4, for teaching the transferring of data through a data pipe, the “data pipe” recited refers to the communication channel (82), which is associated with communicating with a remote conferencing site.

**Kimura**

The Final Office Action cites Kimura as teaching generating the first and second headers for the first and second chunks, each header describing the content of, and including information regarding a storage operation to be performed on, the associated chunk.

Kimura, however, is directed to a compression engine for producing a compressed sequence of data (see, e.g., Abstract). In particular, column 5, lines 15–53 of Kimura discloses compressing blocks of a particular file into a compressed sequence. Each of the compressed blocks is associated with a header that indicates the size of the compressed block, the decompressed size, and whether or not the block is compressed.

Kimura does not teach generating a header that both describes the contents of a chunk and includes information relating to a storage operation to be performed on the chunk. Rather, there appears to be no indication in the cited portions of Kimura of a header that contains information relating to a storage operation to be performed on the associated chunk.

**Summary**

Because the references cited by the Office Action do not disclose, teach or suggest each and every element of independent Claim 21, Applicant asserts that Claim 21 is patentably distinguished over Clapp in view of Kimura, and Applicant respectfully requests allowance of Claim 21.

**Dependent Claims**

Claims 23–25 and 27–33 depend from independent Claim 21 and are believed to be patentably distinguished over the cited art for the reasons set forth above with respect to Claim 21 and for the additional features recited therein.

For example, with respect to dependent Claim 25, neither Clapp, nor Kimura, nor a combination thereof, teaches or suggests storing the first chunk in a first storage medium in the first format and storing the second chunk in a second, distinct storage medium in the second format.

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Moreover, with respect to dependent Claims 28 and 29, neither Clapp, nor Kimura, nor a combination thereof, teaches or suggests the first and the second storage operation comprising a back up or archive operation.

#### **NEW CLAIMS 34-42**

New Claims 34-42 have been added to more fully define Applicant's invention and are believed to be fully distinguished over the cited art.

#### **REQUEST FOR TELEPHONE INTERVIEW**

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicant's attorney can be reached at the general office number listed below.

#### **CONCLUSION**

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain, the Examiner is cordially invited to contact the undersigned such that the issues may be promptly resolved. Moreover, by the foregoing amendments and remarks no admission is made that any of the above-cited references are properly combinable. Rather, Applicant submits that even if the references are combined, the references still do not teach or suggest the claimed invention.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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